

05/17/04 7013-60993-01 278744

PATENT

Attorney Reference Number 7013-60993-01

1638  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

### THE application of:

Santosh Misra and William W. Kay

**Application No. 09/936,885**

**Filed:** September 17, 2001

**Confirmation No.** 2898

**For:** TRANSGENIC PLANTS THAT ARE  
RESISTANT TO A BROAD SPECTRUM  
OF PATHOGENS

**Examiner:** David H. Kruse

**Art Unit:** 1638

**Attorney Reference No.** 7013-60993-01

MAIL STOP AMENDMENT  
COMMISSIONER FOR PATENTS  
P.O. BOX 1450  
ALEXANDRIA, VA 22313-1450

### CERTIFICATE OF MAILING

I hereby certify that this paper and the documents referred to as being attached or enclosed herewith are being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450 on the date shown below.

Attorney  
for Applicant(s)

Date Mailed May 17, 2004

### TRANSMITTAL LETTER

Enclosed is an Amendment and Response to Office Action, Declaration Under § 1.132 of Santosh Misra, Ph.D., Declaration Under 1.132 of Robert E.W. Hancock, Ph.D., an Abstract on a separate page, a Sequence Listing (11 pages paper copy and diskette), and a Statement in Compliance for the above application. The fee has been calculated as shown below.

| CLAIMS AS AMENDED                              |                     |                         |               |          |          |
|--|---------------------|-------------------------|---------------|----------|----------|
| For  | No. after amendment | No. paid for previously | Present Extra | Rate     | Fee      |
| Total Claims                                   | 35                  | - 20*                   | = 15          | \$9.00   | \$135.00 |
| Indep. Claims                                  | 5                   | - 7**                   | = 0           | \$43.00  | \$0.00   |
| Mult. Dep. Claims Fee (if not previously paid) |                     |                         |               | \$145.00 | \$0.00   |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT        |                     |                         |               |          | \$135.00 |

\* greater of twenty or number for which fee has been paid.

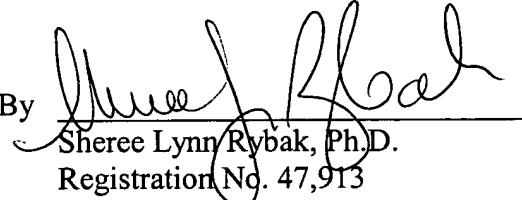
\*\* greater of three or number for which fee has been paid.

A check in the amount of \$135.00 is attached.

- Please charge any additional fees that may be required in connection with filing this amendment and any extension of time, or credit any overpayment, to Deposit Account No. 02-4550. A copy of this sheet is enclosed.
- Please return the enclosed postcard to confirm that the items listed above have been received.

Respectfully submitted,

KLARQUIST SPARKMAN, LLP

By   
Sheree Lynn Rybak, Ph.D.  
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cc: Docketing



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Santosh Misra and William  
W. Kay

**Application No. 09/936,885**

**Filed:** September 17, 2001

**Confirmation No. 2898**

**For:** TRANSGENIC PLANTS THAT ARE  
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Attorney  
for Applicant(s)

Date Mailed May 17, 2004

## AMENDMENT AND RESPONSE TO OFFICE ACTION

This responds to the Office action dated February 17, 2004. A three-month period for response was set, making a reply due by May 17, 2004. Please amend the referenced application as follows:

**Amendments to the Specification** begin on page 2.

**Amendments to the Claims** are reflected in the listing of claims, which begins on page 7.

**Remarks** begin on page 12 ..

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